IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1881 OF 2003
IN
SUIT NO. 1442 OF 2002

Shri Sunilkumar Sobhagmal Jain ..Plaintiff.

Versus

Mukesh Sajjanlal Modi ..Defendant.

Mr. A.N. Nasikwalla for the Plaintiff.

None for the Defendant.

CORAM : S. J. VAZIFDAR, J.
DATED : 18TH NOVEMBER,2005.

P.C.:

1. The plaintiff by this notice of motion seeks an order of attachment before judgment. The plaintiff has been unable to recover the amounts in excess of Rs.10,00,000/- due to him from the defendant. The defendant, as far as the plaintiff is aware, owns only one property. From paragraph -5 of the affidavit in support of the notice of motion, it is clear that the defendant is attempting to dispose of the said property with a view to obstruct and delay the execution of a decree which may be passed in the plaintiff's favour.

2. In the circumstances, the notice of motion is made absolute in terms prayer clauses (a), (b) & (c).

3. Prayer (a) shall be complied with within four weeks from today.

4. There shall also be an order in terms of prayer clause (d) of the notice of motion.

5. It is made clear that the if an attachment is levied; any third party if found in possession shall not be dis-possessed without leave of this court.

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